

REMARKS

STATUS OF CLAIMS

Claims 1, 6, 7, 10-13, 15-17, 19, 20, and 58 were pending in the application.

Claims 1 and 58 have been amended and no claims have been added or canceled. Therefore, claims 1, 6, 7, 10-13, 15-17, 19, 20, and 58 are pending and are submitted for reconsideration.

PRIOR ART REJECTION UNDER 35 USC § 102

In the final office action, claims 1, 6, 7, 10-13, 19, 20, and 58 were rejected under 35 USC §102(e) as being anticipated by U.S. Patent Number 6,026,397 (hereafter "Sheppard"). Applicant respectfully traverses this rejection with respect to the pending claims for at least the following reasons.

Independent claim 1 recites a method of managing a marketing campaign which, *inter alia*, includes:

defining a target database of users and determining in the data mining engine a target subset of users in the target database statistically correlated to the set of prevalent attributes;

conducting a presently conducted marketing campaign cycle directed at the target subset of users;

observing and analyzing responses of the target subset of users to the presently conducted marketing campaign cycle at least partly in real-time;

forming a focused group of the target subset of users whose observed response was a particular type of response;

determining, in the data mining engine, a group of prevalent characteristics of the focused group of users;

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These recited features are not disclosed by Sheppard for at least the following reasons.

First, as implied in the final office action, observing and analyzing responses of the target subset of users to the presently conducted marketing campaign cycle at least partly in real-time is not disclosed by Sheppard. Since at least this recited feature is not disclosed by Sheppard, claim 1 cannot be anticipated by Sheppard.

Second, nor does Sheppard disclose using the analyzed response of the target subset of users to form a focused group whose observed response was a particular type of response. With respect to this feature, the office action cites to col. 20, lines 32-50 of Sheppard. However, this cited portion only discloses that neural prediction functions may be used to score prospect lists to identify those individuals most likely to respond to future marketing campaign. See, for example, col. 20, lines 48-50. Nowhere is there any teaching of forming a focused group based on a target subset of users whose observed responses (observed and analyzed at least partly in real-time) was a particular type of response and then determining a prevalent characteristics of the focused group of users. That is, the cited portion of Sheppard does not disclose anything related to the formation of a focused group based on observed responses and then determining a group of prevalent characteristics of the focused group.

Third, the specific sequence of method steps recited in independent claim 1 is not disclosed or suggested by Sheppard. In this context, it should be noted that claims have to be examined as a whole and simply finding isolated sections in the prior art that correspond to isolated elements of a claimed sequence does not anticipate the claimed sequence since the claims are not being examined as a whole.

Specifically, in addition to training a data mining engine with user data to make predictions (as taught generally by Sheppard), independent claim 1 requires the following sequence of steps (1) training the data mining engine with a set of training data comprising the user database by clustering the user database into different segments of users distinguished by different states of one or more characteristics; (2) inputting to the

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data mining engine a predetermined set of characteristics including a predetermined set of user attributes likely to pertain to a product to which the marketing campaign is directed and, in response thereto, obtaining from the data mining engine a subset of the users in the database having the highest correlation to the characteristic by determining which of the segments found during clustering of the user database has the highest statistical correlation to the predetermined set of characteristics; (3) determining in the data mining engine a set of prevalent attributes of the subset of users; (4) defining a target database of users and determining in the data mining engine a target subset of users in the target database statistically correlated to the set of prevalent attributes; (5) conducting a presently conducted marketing campaign cycle directed at the target subset of users; (6) observing and analyzing responses of the target subset of users to the presently conducted marketing campaign cycle at least partly in real-time; (7) forming a focused group of the target subset of users whose observed response was a particular type of response; (8) determining, in the data mining engine, a group of prevalent characteristics of the focused group of users; and (9) defining a database to be mined and determining, in the data mining engine, a new set of users in the database to be mined whose characteristics are statistically correlated with the group of prevalent characteristics.

It should be noted that the final office action cites the same portions of Sheppard for several steps in this sequence and does not disclose the specific sequence at all. Furthermore, as discussed above, Sheppard does not disclose the combination of steps (7)-(9) at all. Accordingly, it is clear that Sheppard does not disclose the claimed sequence of steps recited in pending independent claim 1.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, (Fed. Cir. 1989). See MPEP §2131. Therefore, in order for a reference to be utilized as an anticipatory reference under the provisions of 35 U.S.C. § 102, the reference must disclose each and every

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claimed element. This is certainly not the case here, and thus the Sec. 102 rejection as to independent claim 1 must be withdrawn.

Independent claim 58 is also believed to be patentable over Sheppard for reasons that are similar as that discussed above with respect to independent claim 1.

DEPENDENT CLAIMS

The dependent claims are deemed to be patentable at least based on their dependence from allowable independent claims. In addition, they recite patentable subject matter when considered as a whole.

Specifically, dependent claims 16 and 17 recite features that are not disclosed by Sheppard. The office action cites to col. 16, lines 5-25 and col. 17, lines 10-38 with respect to these features. However, col. 16, lines 5-25 only discloses a process of normalization of parameter values and does not teach the claimed filling in undetermined attributes with corresponding ones of the complete set of statistically prevalent user attributes of the subset of users. Likewise, the teaching of col. 17, lines 10-38 is not particularly relevant to this claimed feature in claims 16 and 17 since it's teaching is related to inputting parameters to configure the clustering process. Accordingly, these recited features provide additional reasons for the patentability of claims 16 and 17.

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CONCLUSION

Accordingly, applicant submits that the application is now in condition for allowance and an indication of the same is respectfully requested. If the Examiner believes that the application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' representative at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: January 11, 2007

By: 

Aaron C. Chatterjee
Reg. No. 41,398
Attorney for Applicants
Direct telephone (703) 647-6572
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

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